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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,065	03/04/2002	Anders Vinberg	063170.7028 (20000036-CIP	8010

5073 7590 01/10/2006

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EXAMINER	
LEE, PHILIP C	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/091,065	VINBERG, ANDERS	
	Examiner	Art Unit	
	Philip C. Lee	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,11-20,31 and 32* is/are pending in the application.

4a) Of the above claim(s) *21-30* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,11-20,31 and 32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. This action is responsive to the amendment and remarks filed on October 06, 2005.

2. Claims 1-9, 11-20 and 31-32 are presented for examination.

3. Newly submitted claims 21-30 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Group II, Claims 21-30 have separate utility from Group I, claims 1-9, 11-20 and 31-32, because of "a system for reporting the context of an alert condition, comprising: a database storing data associated with a plurality of system objects, the plurality of objects comprising at least a subject system object and a relevant object". Because these inventions are distinct and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper. The search for the invention of Group II would require considering class 707, subclass 1 (Database/File accessing), while the search for the invention of Group I would not.

4. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-30 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

5. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections – 35 USC 101

6. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 11-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Logic must be stored in a computer readable storage medium, while the specification does not define the computer readable storage medium as a carrier wave (i.e. logic encoded in media can be a carrier wave).

Claim Rejections – 35 USC 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-5, 7, 9, 11-15 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul, U.S. Patent 6,125,390 (hereinafter Touboul) in view of Grace, U.S. Patent 5,748,098 (hereinafter Grace).

10. Touboul was cited in the last office action.

11. As per claims 1, 9 and 11, Touboul taught the invention substantially as claimed for reporting the context of an alert condition, comprising:

reporting an alert condition associated with a subject system object (col. 8, lines 10-12; col. 6, lines 54-61);

analyzing the system objects associated with the alert condition to obtain context data (col. 5, lines 7-10; col. 4, lines 39-44; col. 7, lines 40-49);

generating a context message based on the context data (col. 5, lines 7-10; col. 7, lines 40-49); and

outputting the context message (col. 8, lines 31-34; col. 14, lines 6-7, 20-23).

12. Touboul did not teach a relevant system object. Grace taught identifying a relevant system object that is associated with the subject system object and analyzing the relevant system object (col. 1, lines 40-56; col. 3, lines 5-15; col. 7, lines 39-42).

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul and Grace because Grace's teaching of identifying a relevant system object would increase efficiency of Touboul's system by avoiding time wasted on investigating the sources of all the alert condition associated with dependent resources (col. 1, lines 40-56).

14. As per claims 2 and 12, Touboul and Grace taught the invention substantially as claimed in claims 1 and 11 above. Touboul further taught including receiving a request to report the context of the alert condition (col. 14, lines 20-25).

15. As per claims 3 and 13, Touboul and Grace taught the invention substantially as claimed in claims 1 and 11 above. Touboul further taught wherein the analyzing includes determining properties of the subject system object (col. 7, lines 40-49).

16. As per claims 4 and 14, Touboul and Grace taught the invention substantially as claimed in claims 1 and 11 above. Touboul further taught wherein analyzing includes determining a physical location of a component represented by the subject system object (col. 4, lines 39-44).

17. As per claims 5 and 15, Touboul and Grace taught the invention substantially as claimed in claims 1 and 11 above. Grace further taught wherein analyzing includes determining a logical relationship of a component represented by the subject system object to a component represented by the relevant system object (col. 1, lines 40-56; col. 3, lines 5-15).

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul and Grace for the same reason set forth in claim 1 above.

19. As per claims 7 and 17, Touboul and Grace taught the invention substantially as claimed in claims 1 and 11 above. Grace further taught wherein the relevant system object representing a component that is dependent on a component represented by the subject system object (col. 1, lines 40-56; col. 3, lines 5-15).

20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul and Grace for the same reason set forth in claim 1 above.

21. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul and Grace in view of Cox, U.S. Patent 6,011,838 (hereinafter Cox).

22. As per claims 6 and 16, Touboul and Grace taught the invention substantially as claimed in claims 1 and 11 above. Touboul and Grace did not teach determining a traffic load associated with the subject system object. Cox taught determining a traffic load associated with a system object (col. 3, lines 30-50).

23. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Grace and Cox because Cox's teaching of determining a traffic load would increase the efficiency of Touboul's and Grace's systems by minimize the amount of failure cause by overloading a system object (col. 1, lines 11-15).

24. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul and Grace in view of Nishida, U.S. Patent 5,440,688 (hereinafter Nishida).

25. Nishida was cited in the last office action.

26. As per claims 8 and 18, Touboul and Grace taught the invention substantially as claimed in claims 1 and 18 above. Touboul and Grace did not teach wherein generating includes replacing quantifiable context data with a qualitative identifier. Nishida taught a similar invention wherein generating includes replacing quantifiable context data with a qualitative identifier (col. 3, lines 29-40).

27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Grace and Nishida because Nishida's teaching of replacing quantifiable context data with a qualitative identifier would increase the user alertness in Touboul's and Grace's systems by allowing alarm with critical level being at the highest in the range of emergencies demanding immediate attention by the network management personnel (col. 3, lines 36-38).

28. Claims 19-20 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul and Grace in view of Fanshier et al, U.S. Patent 5,933,601 (hereinafter Fanshier).

29. As per claims 19 and 31, Touboul and Grace taught the invention substantially as claimed in claims 1 and 11 above. Touboul and Grace did not specifically detailing the relevant system object represents a sub-component of the subject system object. Fanshier taught wherein the relevant system object represents a component that is a sub-component of a component represented by the subject system (fig. 3; col. 5, lines 15-41).

30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Grace and Fanshier because Fanshier's teaching of the relevant system object represents a component that is a sub-component of a component represented by the subject system would increase the alertness of Touboul's and Grace's systems by providing the relationship of components using an object-based presentation of components executed by each of the nodes within a network in a hierarchy form (col. 1, lines 36-44).

31. As per claims 20 and 32, Touboul and Grace taught the invention substantially as claimed in claims 1 and 11 above. Touboul and Grace did not specifically detailing the relevant system object represents a grouping with the subject system object. Fanshier taught wherein the relevant system object represents a component that is in a grouping with a component represented by the subject system object (fig. 3; col. 5, lines 15-41).

32. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Grace and Fanshier because Fanshier's teaching of the relevant system object represents a component that is in a grouping with a component

represented by the subject system object would increase the alertness of Touboul's and Grace's systems by providing the relationship of components using an object-based presentation of components executed by each of the nodes within a network in a hierarchy form (col. 1, lines 36-44).

CONCLUSION

33. Applicant's arguments with respect to claims 1-9 and 11-32, filed 10/06/05, have been fully considered and are moot in view of new grounds of rejection.

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ward et al, U.S. Patent 5,367,670, disclosed a system for reporting alert condition by using objects to represent system components.

Saylor et al, U.S. Patent 4,977,390, disclosed a method of reporting alarms associated with system components.

35. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

36. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications form the examiner should be directed to Philip Lee whose telephone number is (571) 272-3967. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Philip Lee

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100